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PTO/SB/21 (08-00)

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/940,340
		Filing Date	August 27, 2001
		First Named Inventor	BARDY, Gust H
		Group Art Unit	3762
		Examiner Name	SCHAETZLE, Kennedy
Total Number of Pages in This Submission	3000+	Attorney Docket Number	4441-0010

## ENCLOSURES (check all that apply)

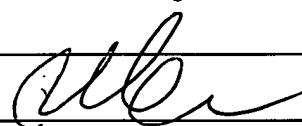
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<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks	

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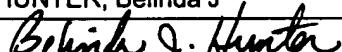
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	WEISZ, Tiberiu Reg No 29,876
Signature	
Date	November 10, 2003

## CERTIFICATE OF MAILING

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Application No. 09/940,340  
IDS dated: November 10, 2003  
Attorney Docket No: 4441-0010

#8  
B. Webb  
11/21/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First-Named Inventor : BARDY, Gust H  
Serial No. : 09/940,340  
Filing Date : August 27, 2001  
Title : SUBCUTANEOUS ELECTRODE FOR TRANSTHORACIC CONDUCTION WITH LOW-PROFILE INSTALLATION APPENDAGE AND METHOD OF DOING SAME  
Customer No. : 22440  
Confirmation No. :  
Group Art Unit : 3762  
Examiner : SCHAETZLE, Kennedy

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Commissioner for Patent  
PO Box 1450  
Alexandria, VA 22313-01450

**CERTIFICATE OF MAIL UNDER 37 CFR §1.8(a)**

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HUNTER, Belinda J.

**INFORMATION DISCLOSURE STATEMENT**  
**PURSUANT TO 37 CFR §§1.56, 1.97 AND 1.98**

SIR:

Pursuant to the duty disclosure under 37 CFR §§1.56, 1.97 and 1.98, applicant submits herewith an *Information Disclosure Statement* along with the *List of Cited References* (substitute Form PTO-1449).

References A1 – A29 on the enclosed substitute Form PTO-1449 are incorporated by reference within the specification of the subject patent application. For the Examiner's

Application No. 09/940,340  
IDS dated: November 10, 2003  
Attorney Docket No: 4441-0010

convenience, applicant has indicated on said form the page numbers and line numbers that correspond to the specification.

Inasmuch as the present application has not yet received a first Office Action on the merits in accordance with 37 CFR §1.97(b)(3), this information is believed to be timely filed. Accordingly, consideration of the enclosed references and entry into the record are respectfully requested.

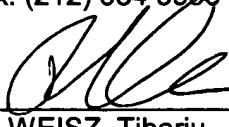
Consideration of the enclosed references and entry into the record are respectfully requested.

It is believed that no fee for filing this *Information Disclosure Statement* is now due. If it is determined, however, that any fee is required, the Commissioner is hereby authorized to charge any such fee to Deposit Account No. 07-1730. A duplicate of this sheet is enclosed herewith.

Dated: November 10, 2003  
New York, New York

Respectfully submitted,

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By: 

WEISZ, Tiberiu  
Reg. No. 29,876

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Application No. 09/940,340  
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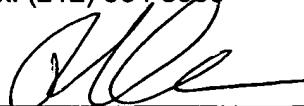
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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Sheet: 1 of 10

Application Number: 09/940,340  
Filing Date: August 27, 2001  
First-Named Inventor: BARDY, Gust H  
Group Art Unit: 3762  
Examiner Name: SCHAETZLE, Kennedy  
Attorney Docket No: 4441-0010

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US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number with kind code if known	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Comments on Relevance
	A1	US- 09/663,606	09.18.2000	Bardy	Specification Page 1, Line 10-12 (now US-Patent 6,647,292 issued 11.11.2003)
	A2	US- 09/663,607	09.18.2000	Bardy	Specification Page 1, Line 13-15. (pending)
	A3	US- 2002/0035376	03.21.2002	Bardy	Specification Page 2, Line 22-23
	A4	US- 2002/0035377	03.21.2002	Bardy	Specification Page 2, Line 10-11
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	A6	US- 2002/0035379	03.21.2002	Bardy et al	Specification Page 2, Line 1-2
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	A8	US- 2002/0042629	04.11.2002	Bardy	Specification Page 2, Line 18-19
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	A10	US- 2002/0042634	04.11.2002	Kruesser	Specification Page 1, Line 22-23
	A11	US- 2002/0049475	04.25.2002	Bardy	Specification Page 2, Line 12-14
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	A14	US- 2002/0072773	06.13.2002	Bardy	Specification Page 1, Line 20-21
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	A17	US- 4,567,900	02.04.1986	Moore	Specification Page 3, Line 24
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	A19	US- 4,693,253	09.15.1987	Adams	Specification Page 3, Line 19, Page 18, Line 10
	A20	US- 4,944,300	07.31.1990	Saksena	Specification Page 3, Line 19
	A21	US- 5,105,810	04.21.1992	Collins	Specification Page 3, Line 19, Page 18, Line 10
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	A26	US- 5,618,287	04.08.1987	Fogarty	Specification Page 3, Line 24

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Sheet: 2 of 10

Application Number: 09/940,340  
Filing Date: August 27, 2001  
First-Named Inventor: BARDY, Gust H  
Group Art Unit: 3762  
Examiner Name: SCHAETZLE, Kennedy  
Attorney Docket No: 4441-0010

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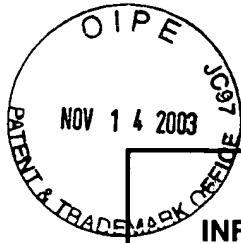
US PATENT DOCUMENTS

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A28	US- 5,658,321		08.19.1997	Fayram	Specification Page 4, Line 23
A29	US- 6,095,987		08.01.2000	Shmulewitz et al	Specification Page 21, Line 13
AA	US- H1905 H		10.03.2000	Hill	ISR PCT/IB02/04515
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BG	US- 5,376,103 A		12.27.1994	Anderson et al	

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Sheet: 3 of 10

Application Number: 09/940,340  
Filing Date: August 27, 2001  
First-Named Inventor: BARDY, Gust H  
Group Art Unit: 3762  
Examiner Name: SCHAETZLE, Kennedy  
Attorney Docket No: 4441-0010

US PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number with kind code if known	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Comments on Relevance
BH	US- 5,376,104 A		12.27.1994	Sakai et al	ISR PCT/IB02/04476 ISR PCT/IB02/04514
BI	US- 5,385,574 A		01.31.1995	Hauser et al	IPER PCT/US01/29168 IPER PCT/US01/29106
BJ	US- 5,391,200 A		02.21.1995	KenKnight et al	ISR PCT/IB03/04546
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Sheet: 4 of 10

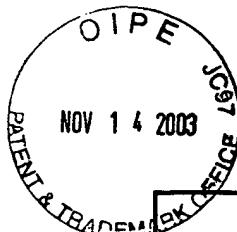
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Examiner Initials	Cite No.	Document Number with kind code if known	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Comments on Relevance
					IPER PCT/IB02/03467 IPER PCT/IB02/03452 Written Opinion PCT/IB02/03452 Written Opinion PCT/IB02/03453 Written Opinion PCT/IB02/03467 Written Opinion PCT/IB02/03469 Written Opinion PCT/IB02/03484 Written Opinion PCT/IB02/03488
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CT	US- 6,411,844 B1	06.25.2002	Kroll et al	ISR PCT/IB02/04514	

Examiner  
Signature: *K Schatzle*

Date  
Considered: 1-11-04



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STATEMENT BY APPLICANT

Sheet: 5 of 10

Application Number: 09/940,340  
Filing Date: August 27, 2001  
First-Named Inventor: BARDY, Gust H  
Group Art Unit: 3762  
Examiner Name: SCHAETZLE, Kennedy  
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FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number with kind code	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Comments on Relevance	T <sup>6</sup>
	CU	DE 298 01 807 U1	06.04.1998	Mathar	IPER PCT/IB02/03525 Written Opinion PCT/IB02/03525	
	CV	EP 0 095 727 A1	12.07.1983	Tacker et al		
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	CY	EP 0 347 353 A1	12.20.1989	Cansell	ISR PCT/US03/10666	Y
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	DF	EP 0 641 573 A2	03.08.1995	Pless	ISR PCT/IB02/04476	
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	DH	EP 0 627 237 A1	12.07.1994	Trabucco et al		Y
	DI	EP 0 677 301 A1	10.16.1995	Ekwall et al	ISR PCT/IB02/04515	
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	DL	EP 1 000 634 A1	05.17.2000	Geistert et al	ISR PCT/IB02/04475	Y
	DN	WO 93/19809 A1	10.14.1993	Kroll et al	ISR PCT/IB03/04490 ISR PCT/IB03/04507	
	DO	WO 97/29802 A2	08.21.1997	Richmond et al		
	DP	WO 98/25349 A1	06.11.1998	Nolan et al	ISR PCT/IB03/04454	
	DQ	WO 99/03534 A1	01.28.1999	Schuler et al	ISR PCT/IB03/04498 ISR PCT/IB03/04507	
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	EB	WO 02/24275 A3	03.21.2002	Cappato et al	ISR PCT/IB03/04516	

Examiner  
Signature:

*K. Schaezle*

Date  
Considered: 1-11-04



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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet: 6 of 10

Application Number: 09/940,340  
Filing Date: August 27, 2001  
First-Named Inventor: BARDY, Gust H  
Group Art Unit: 3762  
Examiner Name: SCHAETZLE, Kennedy  
Attorney Docket No: 4441-0010

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No.	Document Number with kind code	Publication Date MM-DD-YYYY	Name of Patentee/Applicant	Comments on Relevance	T <sup>6</sup>
EO	WO 03/018121 A2	03.06.2003	Engmark et al	ISR PCT/IB02/04497		

**OTHER PRIOR ART - - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T <sup>2</sup>
	ED	International Search Report dated 03.26.2002, PCT/US01/29168 filed 09.14.2001, published as WO 02/22208 on 03.21.2002, "Subcutaneous Only Implantable Cardioverter Defibrillator & Optional Pacer", Inventors: Bardy et al	
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	EH	International Search Report dated 02.14.2003, PCT/IB02/03467 filed 08.26.2002; published as WO 03/018123 on 03.06.2003, "Canister Designs for Implantable Cardioverter-Defibrillators", Inventors: Bardy et al	
	EI	International Search Report dated 02.14.2003, PCT/IB02/03469 filed 08.26.2002; published as WO 03/018124 on 03.06.2003, "Biphasic Waveform for a Subcutaneous Implantable Cardioverter-Defibrillator", Inventors: Bardy et al	
	EJ	International Search Report dated 02.14.2003, PCT/IB02/03484 filed 08.26.2002; published as WO 03/018126 on 03.06.2003, "Cardioverter-Defibrillator having a Focused Shocking Area and Orientation Thereof", Inventors: Bardy et al	
	EK	International Search Report dated 02.14.2003, PCT/IB02/03488 filed 08.26.2002; published as WO 03/018120 on 03.06.2003, "Curved Implantable Cardioverter-Defibrillator Canister", Inventors: Bardy et al	
	EL	International Search Report dated 02.14.2003, PCT/IB02/03522 filed 08.26.2002; published as WO 03/018129 on 03.06.2003, "Biphasic Waveform for Anti-Bradycardia Pacing for a Subcutaneous Implantable Cardioverter-Defibrillator", Inventors: Bardy et al	
	EM	International Search Report dated 02.18.2003, PCT/IB02/03503 filed 08.26.2002; published as WO 03/018128 on 03.06.2003, "Power Supply for a Subcutaneous Implantable Cardioverter-Defibrillator", Inventors: Bardy et al	
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Examiner Signature:  
*K. Schatzle*

Date Considered: 1-11-04



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**INFORMATION DISCLOSURE  
 STATEMENT BY APPLICANT**

Sheet: 7 of 10

Application Number: 09/940,340  
 Filing Date: August 27, 2001  
 First-Named Inventor: BARDY, Gust H  
 Group Art Unit: 3762  
 Examiner Name: SCHAETZLE, Kennedy  
 Attorney Docket No: 4441-0010

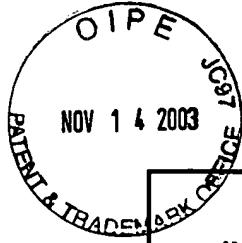
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**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T <sup>2</sup>
ER		International Search Report dated 02.20.2003, PCT/IB02/03525 filed 08.23.2002; published as WO 03/018130 on 03.06.2003, "Subcutaneous Electrode for Transthoracic Conduction with Highly Maneuverable Insertion Tool", Inventors: Bardy et al	
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 Considered: 1-11-04



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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet: 8 of 10

Application Number: 09/940,340  
Filing Date: August 27, 2001  
First-Named Inventor: BARDY, Gust H  
Group Art Unit: 3762  
Examiner Name: SCHAETZLE, Kennedy  
Attorney Docket No: 4441-0010

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T <sup>2</sup>
	FH	International Preliminary Examination Report dated 12.18.2002, PCT/US01/29106 filed 09.14.2001, published as WO 02/24275 on 03.28.2002, "Subcutaneous Only Implantable Cardioverter Defibrillator & Optional Pacer", Inventors: BARDY et al	
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	FO	International Preliminary Examination Report dated 09.02.2003, PCT/IB02/03501 filed 08.26.2002; published as WO 03/018112 on 03.06.2003, "Subcutaneous Electrode for Transthoracic Conduction with Low-Profile Installation Appendage and Method of Doing Same", Inventors" Bardy et al	
	FP	International Preliminary Examination Report dated 09.02.2003, PCT/IB02/03502 filed 08.23.2002; published as WO 03/018127 on 03.06.2003, "Subcutaneous Electrode for Transthoracic Conduction with Insertion Tool", Inventors: Bardy et al	
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Examiner  
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Date  
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1-11-04



**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet: 9 of 10

Application Number: 09/940,340  
Filing Date: August 27, 2001  
First-Named Inventor: BARDY, Gust H  
Group Art Unit: 3762  
Examiner Name: SCHAETZLE, Kennedy  
Attorney Docket No: 4441-0010

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**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T <sup>2</sup>
FW		Written Opinion dated 05.12.2003, PCT/IB02/03447 filed 08.27.2002; published as WO 03/018110 on 03.06.2003, "Subcutaneous Electrode for Transthoracic Conduction with Improved Installation Characteristics", Inventors: Bardy et al	
FX		Written Opinion dated 05.12.2003, PCT/IB02/03452 filed 08.23.2002; published as WO 03/018119 on 03.06.2003, "Insulated Shell for Subscutaneously Implantable Cardioverter-Defibrillator Canister", Inventors" Bardy et al	
FY		Written Opinion dated 05.12.2003, PCT/IB02/03453 filed 08.23.2002; published as WO 03/018122 on 03.06.2003, "Duckbill-Shaped Implantable Cardioverter-Defibrillator Canister and Method of Use", Inventors: Bardy et al	
FZ		Written Opinion dated 05.12.2003, PCT/IB02/03467 filed 08.26.2002; published as WO 03/018123 on 03.06.2003, "Canister Designs for Implantable Cardioverter-Defibrillators", Inventors, Bardy et al	
GA		Written Opinion dated 05.12.2003, PCT/IB02/03468 filed 08.26.2002; published as WO 03/018124 on 03.06.2003, "Biphasic Waveform for a Subcutaneous Implantable Cardioverter-Defibrillator", Inventors: Bardy et al	
GB		Written Opinion dated 05.12.2003, PCT/IB02/03484 filed 08.26.2002; published as WO 03/018126 on 03.06.2003, "Cardioverter-Defibrillator having a Focused Shocking Area and Orientation Thereof", Inventors: Bardy et al	
GC		Written Opinion dated 05.12.2003, PCT/IB02/03501 filed 08.26.2002; published as WO 03/018112 on 03.06.2003, "Subcutaneous Electrode for Transthoracic Conduction with Low-Profile Installation Appendage and Method of Doing Same", Inventors" Bardy et al	
GD		Written Opinion dated 05.12.2003, PCT/IB02/03502 filed 08.23.2002; published as WO 03/018127 on 03.06.2003, "Subcutaneous Electrode for Transthoracic Conduction with Insertion Tool", Inventors: Bardy et al	
GE		Written Opinion dated 05.12.2003, PCT/IB02/03503 filed 08.26.2002; published as WO 03/018128 on 03.06.2003, "Power Supply for a Subcutaneous Implantable Cardioverter-Defibrillator", Inventors: Bardy et al	
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GG		Written Opinion dated 05.12.2003, PCT/IB02/03525 filed 08.23.2002; published as WO 03/018130 on 03.06.2003, "Subcutaneous Electrode for Transthoracic Conduction with Highly Maneuverable Insertion Tool", Inventors: Bardy et al	
GH		Written Opinion dated 05.12.2003, PCT/IB02/03488 filed 08.26.2002, published as WO 03/018120 on 03.06.2003, "Curved Implantable Cardioverter-Defibrillator Canister", Inventors: Bardy et al	
GI		Journal of the American Medical Association (JAMA), Vol 214, No 6, 1123pp, Nov 9, 1970, "Completely Implanted Defibrillator", an editorial comment by JC SCHUDER PhD,	
GJ		Amer Soc Trans Artif Int Organs, Vol XVI, 1970, 207-212pp, "Experimental Ventricular Defibrillation With An Automatic & Completely Implanted System", by JC SCHUDER PhD et al	
GK		Archives of Internal Medicine (Specialized Journal of the AMA), Vol 127, Feb 1971, Letters to the Editor 317pp, "Standby Implanted Defibrillators", an editorial comment by JC SCHUDER PhD	
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Examiner  
Signature:

*K. Schatzle*

Date  
Considered: 1-11-04



Substitute for form PTO-1449  
**INFORMATION DISCLOSURE  
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Sheet: 10 of 10

Application Number: 09/940,340  
 Filing Date: August 27, 2001  
 First-Named Inventor: BARDY, Gust H  
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 Attorney Docket No: 4441-0010

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**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, symposium, etc), date, page(s), volume-issue, all citation information	T <sup>2</sup>
GM		IEEE Transactions on Bio-Medical Engineering, Vol BME-18, No 6, Nov 1971, 410-415pp, "Transthoracic Ventricular Defibrillation In The Dog With Truncated and Untruncated Exponential Stimuli", by JC SCHUDER PhD et al	
GN		IEEE Engineering in Medicine & Biology Society Magazine – Proceedings of the Annual International Conference of the IEEE Orlando, FL, copyright 1991, Vol 13, 1674-1676 pp, "Analog to Digital Conversion Techniques in Implantable Devices", by RA WALTERS et al Comments on Relevance: ISR PCT/IB03/04454	
GO		PACE, Vol 16, Part I, Jan 1993, 95-124pp, "The Role Of An Engineering Oriented Medical Research Group In Developing Improved Methods & Devices For Achieving Ventricular Defibrillation: The University Of Missouri Experience", by JC SCHUDER PhD	
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GR		Springer-Verlag, Berlin-Germany, copyright 1991, 784-786pp, "Halbleiter-Schaltungstechnik", by U. TIETZE and Ch. SCHENK Comments on Relevance: ISR PCT/IB03/04454	Y
GS		"Onset & Stability for Ventricular Tachyarrhythmia Detection in an Implantable Pacer-Cardioverter-Defibrillator", IEEE Computers in Cardiology, 1987, Vol 0276-6574, 167-170pp, by Walter H OLSON et al; Comments on Relevance: Specification Page 19, Line 17-20	

Examiner  
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